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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

23 JAN 1987

Michael Hayes, Manager
Division of Air Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Mr. Hayes:

Your staff recently requested guidance on Illinois' Visual Emissions Rulemaking (R82-1 Docket B). You wanted to know if the United States Environmental Protection Agency (USEPA) could approve 35 IAC 212.123 and 35 IAC 212.126 without the 60% instantaneous opacity limitations.

Rule 35 IAC 212.123 limits visual emissions to 30% opacity with an exception for opacity greater than 30% but not greater than 60% for a period or periods aggregating 8 minutes in any 60-minute period. These more opaque emissions (greater than 30%) are permitted for only one source within a 1000 foot radius owned or operated by the same person in any 60-minute period. These more opaque emissions shall not occur more than 3 times in any 24-hour period.

Rule 35 IAC 212.123 was approved [as 202(b)] on September 3, 1981, for iron and steel sources and on February 21, 1980, for all other sources. This rule was vacated as it applies to coal fired boilers by the Illinois Supreme Court but still applies to other stack and nonstack sources. Section 202(c)(3), that is also part of the State Implementation Plan (SIP), provides that compliance with the applicable mass emission limitation is a defense to a violation of the opacity limitation. For stack sources, Illinois' SIP relies on the applicable mass emission limitations to attain the National Ambient Air Quality Standards (NAAQS), but the opacity limitation is still necessary to detect violations of the mass emission limitations. Removing the 60% opacity cap from 35 IAC 212.123 would relax the opacity limitation that USEPA approved as appropriate to detect violations of the mass emission limitations for stacks sources. USEPA could not approve this change without a demonstration that the rule would still be appropriate without the 60% instantaneous opacity limitation.


For nonstack sources, compliance with the applicable mass emission limitations cannot be determined directly. The opacity regulation limits emissions from these sources. Removing the 60% opacity limitation from 35 IAC 212.123 would effectively relax the SIP for nonstack sources. A SIP relaxation could not be approved without an air quality modeling analysis demonstrating that the SIP change will not cause or contribute to a violation of the total suspended particulate matter (TSP) NAAQS.

Rule 35 IAC 212.126 would allow the Illinois Pollution Control Board to determine adjusted opacity standards for sources that cannot meet the opacity limitation of Sections 212.122 or 212.123 but are in compliance with the applicable mass emission limitations. An adjusted opacity standard for a source would correspond to the opacity of the emissions that occur when the source is in compliance with the mass emission limitation. In addition, the adjusted opacity standard would not allow an opacity greater than 60% at any time. USEPA could approve 35 IAC 212.126 without this 60% instantaneous opacity limitation because the adjusted opacity standard would still be an appropriate limit to detect violations of the mass emission limitation.

In summary, the 60% instantaneous opacity limitation is not necessary for Federal approval of 35 IAC 212.126, but is necessary for Federal approval of 35 IAC 212.123 unless Illinois demonstrates that:

1. A relaxed opacity limitation for nonstack sources will not cause or contribute to a violation of the NAAQS, and
2. A relaxed opacity limitation for stack sources will be appropriate to detect violations of the mass emission limitations.

Sincerely yours,



Steve Rothblatt, Chief
Air and Radiation Branch (5AR-26)

cc: Berkely Moore, IEPA